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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,688	03/29/2005	Jozef Reinerus Maria Bergervoet	NL 020959	8367

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EXAMINER

PANWALKAR, VINEETA S

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/529,688	BERGERVOET, JOZEF REINERUS MARIA	

Examiner	Art Unit
Vineeta S. Panwalkar	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 March 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
- 1a. Regarding claim 1, it is unclear how the generated bit stream is monitored and how the spectrum is analyzed. Although the circuit of Fig. 2 has been described in the specification (Page 2, line 30 – page 3, line 11), one of ordinary skill in the art would not be enabled to conclude how the claimed correcting is performed based on the spectrum analysis, since no error seems to be determined. Therefore it is unclear from the language of the specification, how the correction signal is exactly determined. It is unclear how a correction is achieved merely by multiplying the protected frequency (after integration of its I and Q components) by the protected frequency (i.e. by itself). Similarly, regarding claim 7, is unclear how the circuit of claim 7 is adapted to perform claimed method of correcting a digital data signal.

- 1b. Claims 2-6 are rejected under 35 U.S.C. 112, first paragraph, as being dependent on claim 1.
- 1c. Hereinafter, claims have been rejected based on examiner's best interpretation of the claims.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2a. Claim 1 recites the limitation "the generated data bit stream" in line 4. There is insufficient antecedent basis for this limitation in the claim.
- 2b. Claim 1 recites the limitation "the spectrum" in line 5. There is insufficient antecedent basis for this limitation in the claim. (It is unclear whether the spectrum is that of the generated data bit stream or the digital data signal).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirisawa.

3a. Regarding claim 1, Kirisawa shows a method of correcting a digital data signal in order to avoid the generation of interference in a certain frequency band, characterized by the steps of:

- monitoring the generated data bit stream, analyzing the spectrum (Fig. 10, spectrum analyzer 40 performs claimed monitoring and analysis), and correcting the spectrum without changing the digital content (See Fig. 3, column 4, lines 40-63 and column 6, lines 25-47. Since calibration (correcting phase errors) is performed while observing frequency on spectrum analyzer or monitoring the spectrum, it is interpreted as claimed correcting because correcting phase error will not change digital content on the signal).

3b. Regarding claim 2, Kirisawa also shows a method wherein the generated data bit stream is monitored by a detector adapted to sample the spectrum in the protected band, and generate an I and Q signal (Fig. 10, unit 50, column 3, lines 35-45 and column 6, lines 25-47).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Yukawa (US 5010347) shows analog to digital converter with excellent signal to noise ratio.

- Jamer (US 5705958) shows correcting quadrature error in a modulator/demodulator.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vineeta S. Panwalkar whose telephone number is 571-272-8561. The examiner can normally be reached on M-F 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER

VP